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CHARLES ELMORE CROPLEY
CLERK

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1932

No. 504

APPALACHIAN COALS, INCORPORATED, ET AL., APPELLANTS,

vs.

THE UNITED STATES OF AMERICA.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF VIRGINIA.

STATEMENT AS TO JURISDICTION.

WILLIAM J. DONOVAN,
EDGAR L. GREEVER,
Counsel for Appellants.

STATEMENT OF THE BASIS OF THE JURISDICTION OF THE SUPREME COURT OF THE UNITED STATES UPON APPEAL TO REVIEW THE DECREE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF VIRGINIA.

Filed October 17, 1932.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF VIRGINIA.

In Equity. No. 1.

UNITED STATES OF AMERICA, *Petitioner,*

against

APPALACHIAN COALS, INCORPORATED, ET AL., *Defendants.*

Statement of the Basis of the Jurisdiction of the Supreme Court of the United States Upon Appeal to Review the Decree of the District Court of the United States for the Western District of Virginia.

This cause is a suit in equity brought by the United States of America for an injunction under Section 4 of the Act of July 2, 1890 (26 Stat. 209), commonly known as the Sherman Anti-trust Act. An expediting certificate was filed in this Court by the attorney-general under the provisions of the Expediting Act of February 11, 1903 (32 Stat. 823; 15 U. S. C. A., Sec.

28), and thereupon this cause was heard before three circuit judges sitting as the United States District Court for the Western District of Virginia. The present appeal is from the final decree of the court, and it is believed that the jurisdiction of the Supreme Court of the United States is sustained by the Expediting Act of February 11, 1903 (32 Stat. 823; 15 U. S. C. A., Sec. 29), which provides as follows:

> "SEC. 29. *Appeals to Supreme Court.*—In every suit in equity brought in any district court of the United States under any of the laws mentioned in the preceding section, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court, and must be taken within sixty days from the entry thereof" (Feb. 11, 1903, c. 544, Sec. 2, 32 Stat. 823; Mar. 3, 1911, c. 231, Sec. 291, 36 Stat. 1167).

See *United States* v. *California Co-operative Canneries*, 279 U. S. 553 (1929).

The final decree of the District Court of the United States for the Western District of Virginia, which is sought to be reviewed, was dated October 17, 1932, and the date upon which the petition for allowance of the appeal is presented is October 17, 1932.

WILLIAM J. DONOVAN,
EDGAR L. GREEVER,
Solicitors for Appellants,
Appalachian Coals, Incorporated, et al.

Dated October 17, 1932.